

HB0259 compared with HB0259S03

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **26B-2-244** , Utah Code Annotated 1953

23

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section 1 is enacted to read:

26 **26B-2-244. Electronic {health} medical record access for minors.**

27 (1) As used in this section:

22 (1){(a)} {~~As used this section, "minor~~} "Child" means an individual under the age of 18 years old.

23 {(2)} {~~Except as provided in Subsection (3), a health care facility shall ensure that any electronic health record system used by the health care facility to store electronic health records of a minor allows a minor's parent or guardian full and complete unrestricted access to the minor's electronic health record without obtaining another person's consent to access the electronic health record.~~}

28 {(3)} }

{(a)} {~~Subject to Subsection (3)(b), a health care facility may restrict a parent's or guardian's access to an electronic health record if the health record is restricted under state law, federal law, or a court order.~~}

29 (b) "Electronic medical record system" means an electronic system for maintaining medical records in a clinical setting.

31 (c) "EMRS vendor" means the vendor of an electronic medical record management system.

33 (d) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

35 (e) "Parent" means an individual who has a parent-child relationship, as defined in Section 81-5-102, with the child.

31 (b){(2)} A health care facility may {~~only~~} not restrict a parent's access to the {~~part of~~} electronic medical record system housing the electronic {health} medical record {~~that is restricted under state law, federal law, or a court order.~~} of the parent's child unless:

39 (a) the parent's parental rights have been terminated;

40 (b) required by a court order; or

41 (c) the electronic medical record relates to sexual assault in accordance with Section 77-38-204.

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- 43 (3) An EMRS vendor providing an electronic medical record system for a health care facility shall ensure the electronic medical record system provided to the health care facility is capable of being modified by the health care facility to comply with Subsection (2).
- 47 (4)
- 50 (a) A health care facility in violation of Subsection (2) is subject to a \$10,000 civil fine for each day the health care facility does not comply with Subsection (2) after September 1, 2026.
- 53 (b) An EMRS vendor in violation of Subsection (3) is subject to a \$10,000 civil fine for each day the EMRS vendor's electronic medical record system does not comply with Subsection (3) after September 1, 2026.
- 55 (c) The attorney general may bring a civil action against a health care facility or EMRS vendor to enforce this section.
- 57 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a potential violation.
- 59 (e) A court shall award attorney fees to the attorney general if the attorney general is successful in an enforcement action described in this section.
- 61 (5) A health care facility shall, upon request, provide a parent paper records without charging a fee for the records if:
- 63 (a) the parent is unable to access a part of an electronic medical record because the electronic medical record system is unable to provide the parent access; and
- 64 (b) the parent is otherwise authorized to access the records under HIPAA.
- 65 (6) This section does not apply to the Utah State Hospital.

Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-18-26 12:14 PM